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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,219	07/22/2003	Scott A. Melton	2206.68153	6953

24978 7590 08/29/2005

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EXAMINER
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TSUKERMAN, LARISA Z

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/624,219

Applicant(s)

MELTON ET AL.

Examiner

Larisa Z. Tsukerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14,16-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14,16-18 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The indicated allowability of claims 3, 6, 12, 13 and 15 is withdrawn in view of the newly discovered reference(s). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 –10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: it is not clear, which part of device “a lower portion” claimed in line 11, addresses to.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wilson (2383031).

**In regard to claim 1**, Wilson discloses a cord wrap for use with a clipper configured for accommodating a power cord 2, the cord wrap comprising:

at least one retaining structure 1, 3 configured for retaining the power cord 2 on the clipper;

a cord channel 1b disposed on the at least one retaining structure 1, 3 and configured for supporting at least one loop (not marked, see Fig.1) of the cord 2; and

at least one retaining structure 1, 3 includes a blade guard portion 3d that is configured to extend along a first surface of a blade set (not shown) and project around teeth of the blade set., and a lower portion 1 defining the cord channel 1b.

Claims 22 - 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Vara (5531333).

With regard to claims 22 - 24, Vara discloses a cord wrap for use with a hair drier, the structure of the cord wrap by Vara is similar to a cord wrap of the instant invention and is capable to be used with a clipper. It has been held that a recitation with respect to the manner or method in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, thus See Ex parte Wikdahl, 10 USPQ2d 1546, 1548 (Bd. Pat. App. & Inter. 1989); Ex parte Masham, 2 USPQ2d 1647, 1648 (Bd. Pat. App. & Inter.

1987); In re Casey, 370 F.2d 576, 152 USPQ 235, 238 (CCPA 1967); see also M.P.E.P. § 2111.02.

**In regard to claim 24**, Vara discloses a cord wrap 30 configured for accommodating a power cord 70, the cord wrap 30 comprising:

at least one retaining structure 22, 24 configured for retaining the power cord;  
a cord channel (not marked, a space between plates 14 and 16) disposed on the at least one retaining structure 22, 24 and configured for supporting at least one loop of the cord 70 (see Fig. 1c); and

the at least one retaining structure 22, 24 is snappingly engageable.

**In regard to claim 22**, Vara discloses the front structure 14 and the rear structure 16 are configured for maintaining the power cord 70 in a plane generally parallel.

**In regard to claim 23**, Vara discloses the cord channel (not marked, left channel between 14 and 16 in Fig.1c) associated with the front structure 14 outwardly opposes the cord channel (not marked, right channel between 14 and 16 in Fig.1c) associated with the rear structure 16.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7-14, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallanis et al. (4233733) in view of Silva (4308878).

**In regard to claim 1** Gallanis et al. disclose a clipper 10 comprising a blade guard portion 150 that is configured to extend along a first surface of a blade set 54 and project around teeth of the blade set 54, but Gallanis et al. does not include

a cord wrap configured for accommodating a power cord and the cord wrap comprising:

at least one retaining structure configured for retaining the power cord;

a cord channel disposed on the at least one retaining structure and configured for supporting at least one loop of the cord; and

at least one retaining structure includes a blade guard portion that is configured to extend, and a lower portion defining the cord channel.

However, Silva teaches a cord wrap 14 configured for accommodating a power cord C, the cord wrap 14 comprising:

at least one retaining structure 16, 32, 36, 40, 32, 38 configured for retaining the power cord C;

a cord channel 42 or 44 disposed on the at least one retaining structure 16, 32, 36, 40, 32, 38 and configured for supporting at least one loop (not marked, see Fig.1) of the cord C; and

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at least one retaining structure 16, 32, 36, 40, 32, 38 includes a guard portion 36, 34 that is configured to extend, and a lower portion 38, 40 defining the cord channel 42 and 44.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a cord wrap configured for accommodating a power cord and the cord wrap comprising:

- at least one retaining structure configured for retaining the power cord;

- a cord channel disposed on the at least one retaining structure and configured for supporting at least one loop of the cord; and

- at least one retaining structure includes a blade guard portion that is configured to extend, and a lower portion defining the cord channel, as taught by Silva in structure of Gallanis et al. in order to storage the cord and effectively using working space.

**In regard to claim 2,** Gallanis et al. modified by Silva disclose the one retaining structure 16, 32, 36, 40, 32, 38 and the cord channel 42 or 44 maintain the power cord C in a plane generally parallel with a longitudinal clipper axis (see Fig.1).

**In regard to claim 4,** Gallanis et al. modified by Silva discloses the cord channel 42 or 44 has a width sufficient to support the apex of the at least one loop of the power cord C (see Fig.1).

**In regard to claim 5,** Gallanis et al. modified by Silva discloses the at least one retaining structure 16, 32, 36, 40, 32, 38 is removably attachable to one of a working end (area R) and a handle end at 24, 26.

**In regard to claims 7 and 9**, Gallanis et al. modified by Silva discloses a clip portion P, T located on the at least one retaining structure 16, 32, 36, 40, 32, 38 and configured for engaging the clipper.

**In regard to claim 8**, Gallanis et al. modified by Silva discloses the one retaining structure 16, 32, 36, 40, 32, 38, has at least one plug holder (area between T and 48) for securing a plug (not shown) in the retaining structure 16, 32, 36, 40, 32, 38, (all retaining structures for cord wrap have a place to secure a cord plug end, e.g. as shown in St.Peter's reference in Fig.1).

**In regard to claim 10**, Gallanis et al. modified by Silva disclose the retaining structure 16, 32, 36, 40, 32, 38 is provided in two structures, including a first structure 32, 36 associated with a blade set of the clipper.

Claims 11 - 14 and 16 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silva (4308878).

With regard to claims 11-14 and 16-18, Silva discloses a cord wrap for use with a hair drier, the structure of the cord wrap by Silva is identical to a cord wrap of the instant invention and is capable to be used with a clipper. It has been held that a recitation with respect to the manner or method in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, thus See Ex parte Wikdahl, 10 USPQ2d 1546, 1548 (Bd. Pat. App. & Inter. 1989); Ex parte Masham, 2 USPQ2d 1647, 1648 (Bd.

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Pat. App. & Inter. 1987); In re Casey, 370 F.2d 576, 152 USPQ 235, 238 (CCPA 1967); see also M.P.E.P. § 2111.02.

**In regard to claim 11**, Silva discloses a cord wrap 14 for accommodating a power cord C, the cord wrap 14 comprising:

a retaining structure 16, 32, 36, 40, 32, 38 for retaining the power cord C and having a front end (area 40) and a rear end (area above numeral 38);

a cord channel 42 or 44 disposed on the retaining structure 16, 32, 36, 40, 32, 38 configured for supporting at least one loop of the cord (see Fig. 1); and

a support 28, 16 disposed between the front end 40 and the rear end 38 of the retaining structure 16, 32, 36, 40, 32, 38 for connecting the rear end to the front end (see Fig.1); and

the retaining structure 16, 32, 36, 40, 32, 38 includes an integrally formed blade guard portion 34, 36.

**In regard to claim 12**, Silva discloses the cord wrap 14 further including ribs 32 disposed on a support 16 for reinforcing the support.

**In regard to claim 13**, Silva discloses the one plug holder 40, disposed on the support 32 for securing a plug (not shown) on the retaining structure 16, 32, 36, 40, 32, 38.

**In regard to claim 14**, Silva discloses the rear end (area 38) is located near an electrical port (right end on handle H) and is configured to be supported by the power cord C when the power cord is engaged in the cord channel 42 at the rear end 38 (see Fig. 1).

**In regard to claim 16**, Silva discloses the retaining structure 16, 32, 36, 40, 32, 38 is detachably engageable with the clipper.

**In regard to claim 17**, Silva discloses the cord channel 42 or 44 configured to receive and support at least one apex of the at least one cord loop (see Fig.1).

**In regard to claim 18**, Silva discloses the cord channel 42 and 44 is disposed on a front end (left area around numeral 44 in Fig.1) and a rear end (right area around numeral 42 in Fig.1) of the retaining structure 16, 32, 36, 40, 32, 38, the cord channel 44 or 42 being defined by members being arcuate in profile (see Fig.1).

### ***Claim Rejections - 35 USC § 103***

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silva (4308878) in view of Vara (5531333).

With regard to claim 6, Silva discloses a cord wrap for use with a hair drier, the structure of the cord wrap by Silva is identical to a cord wrap of the instant invention and is capable to be used with a clipper. It has been held that a recitation with respect to the manner or method in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, thus See Ex parte Wikdahl, 10 USPQ2d 1546, 1548 (Bd. Pat. App. & Inter. 1989); Ex parte Masham, 2 USPQ2d 1647, 1648 (Bd. Pat. App. & Inter. 1987); In re Casey, 370 F.2d 576, 152 USPQ 235, 238 (CCPA 1967); see also M.P.E.P. § 2111.02.

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**In regard to claim 6**, Silva discloses most of the claimed invention, except for one retaining structure is snappingly engageable upon the clipper. However, Vara teaches a retaining structure 22, 24 is snappingly engageable upon the storage bin. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute a press-fit engagement between parts (a retaining portion and a clipper) to snap engagement in order to provide a more reliable connection.

### ***Allowable Subject Matter***

Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The Prior Art does not teach or suggest "at least one clip portion is disposed on the retaining structure, configured for supportably engaging the clipper and configured to be removable from the clipper" in combination with all the other elements of the dependent and independent claim and the examiner knows of no permissible motivation to combine the prior art such that the subject matter as a whole would have been obvious at the time the invention was made.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larisa Z. Tsukerman whose telephone number is (571)-

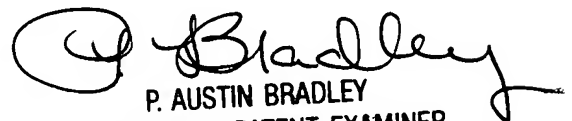
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272-2015. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571)-272-2800 ex. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT, 03/06/2005

  
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